

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

In the Matter of:

Lakeville Post Office
Lakeville, Connecticut 06039

Docket No. A2011-102

UNITED STATES POSTAL SERVICE
COMMENTS REGARDING APPEAL
(December 19, 2011)

On September 30, 2011, the Postal Regulatory Commission (Commission) received an appeal postmarked September 27, 2011, from Charlene LaVoie, Community Lawyer on behalf of postal customers Etienne Delessert and Rita Marshall (Petitioners), objecting to the conversion of the Post Office at Lakeville, Connecticut to a classified branch under the administrative responsibility of the Salisbury Post Office. On October 5, 2011, the Commission issued Order No. 895, its Notice and Order Accepting Appeal and Establishing Procedural Schedule under 39 U.S.C. § 404(d). In accordance with Order No. 895, the administrative record was filed with the Commission on October 17, 2011. On November 14, 2011, Petitioners filed a motion for extension of time to file their brief. Petitioners subsequently filed their Form 61 on December 7, 2011. The Commission received no additional written communications from Petitioners concerning this appeal. The following is the Postal Service's brief in support of the final determination.

The appeal received by the Commission on July 29, 2011, raises four main issues: (1) the effect on postal services, (2) the impact upon the Lakeville community,

(3) economic savings, and (4) other matters. As reflected in the administrative record of this proceeding, the Postal Service gave these issues serious consideration.

Background

The Final Determination as well as the administrative record, indicate that the Lakeville Post Office provides EAS-16 level service to 707 Post Office Box customers, and 620 general delivery customers and retail customers 43 hours per week. FD at 2; Item No. 13, Administrative postmaster/OIC comments, at 1; Item No. 18, (Form 4920) Post Office Closing or Consolidation Proposal Fact Sheet (“Fact Sheet”), at 1.¹ The postmaster of the Lakeville Post Office retired on January 30, 2010. Since the postmaster vacancy, an officer-in-charge (OIC) has been installed to operate the office. Upon implementation of the Final Determination, the Lakeville Post Office would continue operating as a classified branch, with career postal employees providing the same services as a Post Office, except for postage meter setting and acceptance of permit mail. The average number of daily retail window transactions at the Lakeville Office is 268, amounting to an average daily workload of 352 minutes. Revenue has been as follows: \$335,327.00 in FY 2008 (875 revenue units); \$328,665.00 in FY 2009 (857 revenue units); and \$323,982.00 in FY 2010 (845 revenue units).² The Lakeville Post Office has five meter or permit customers. FD at 2; Item No. 18, Fact Sheet, at 1; Item No. 41, Proposal, at 2.

¹ In these comments, specific items in the administrative record are referred to as “Item.”

² FD, at 2; Item No. 18, Fact Sheet, at 1-2; Item No. 33, Proposal, at 2.

Upon implementation of the Final Determination, delivery services will be provided by the Salisbury Post Office³, an EAS-16 level office located approximately 1.4 miles away; retail and PO Box services will still be provided at the Lakeville Branch. FD at 2; Item No. 4, Highway Map with Community Highlighted, at 1; Item No. 18, Fact Sheet, at 1; Item No. 33, Proposal at 2.

All issues raised by customers of the Lakeville Post Office were considered and addressed by the Postal Service. In addition to the posting of the Proposal and FD, customers received notice through other means. Questionnaires were distributed to delivery customers of the Lakeville Post Office and made available over the counter for retail customers. FD at 2; Item No. 20, Questionnaire Instruction Letter from P.O. Review Coordinator to OIC/Postmaster at Lakeville Post Office, at 1. A letter from the Manager of Post Office Operations, Hartford, CT was also made available to postal customers, which advised them that the Postal Service was evaluating whether conversion of the Lakeville Post Office was warranted, with effective and regular delivery service provided from the Salisbury Post Office and retail services continuing at the Lakeville location as a classified branch of the Salisbury Post Office. The letter invited customers to complete and return a customer questionnaire and to express their opinions about the service they were receiving and the effects a conversion of the Lakeville Post Office to a classified branch might have. Item No. 21, Letter to Customer, at 1. The returned customer questionnaires and Postal Service response letters appear in the administrative record in Item No. 22. Also, representatives from

³ The Salisbury Post Office is not part of the candidate facilities under Retail Access Optimization (RAO) Initiative. See Docket No. N2011-1, USPS LR-N2011-1/11 Rev 1.

the Postal Service were available at the Salisbury Town Hall for a community meeting on April 21, 2011, to answer questions and provide information to customers. FD at 2; Item No. 21, Letter to Customer, at 1; Item No. 24, Community Meeting Roster; Item No. 25, Community Meeting Analysis; Item No 33, Proposal, at 2. Customers received formal notice of the Proposal and FD through postings at nearby facilities. The Proposal was posted with an invitation for public comment at the Lakeville Post Office and Salisbury Post Office from June 6, 2011 to August 8, 2011. FD at 1, 85; Item No. 33, Proposal, at 1 and 85; Item No. 36, Round-date Stamped Proposals and Invitations for Comments from Affected Offices, at 1. The FD was posted at the same two Post Offices starting on August 27, 2011, as confirmed by the memo to record that appears in the administrative record. FD at; Item No. 48, Instruction letter to postmaster/OIC on posting, at 1; Item No. 49, Memo to Record about Round-date stamped final determination cover sheets; Item No. 50, Postal Bulletin Post Office Change Announcement.⁴

In light of the postmaster vacancy, the variety of delivery and retail options,⁵ very little recent growth in the area,⁶ minimal impact upon the community, and the expected

⁴ Handbook PO-101 and 39 C.F.R. § 241.3 were revised effective December 1, 2011. Under the revisions, conversions subject to Handbook PO-101, 39 C.F.R. § 241.3, and 39 U.S.C. § 404(d) no longer embrace conversions of Post Offices to classified stations or classified branches. See 39 C.F.R. § 241.3(a)(1)(B)(ii). The Postal Service notes that this revision moots the present appeal; however, because the time period for a motion for dismissal has elapsed under the procedural schedule in this docket, the Postal Service is filing this responsive submission. By doing so, however, it does not intend to waive any argument as to whether the Final Determination at issue in this docket is within the scope of the Commission's jurisdiction. The Postal Service further notes that the revisions to the regulations essentially render this appeal moot. See 39 C.F.R. § 241.3(a)(1)(B)(iii) ("Discontinuance actions pending as of December 1, 2011, that pertain to the conversion of a Post Office to another type of USPS-operated facility are no longer subject to these regulations.").

⁵ FD, at 2-5; Item No, 33, Proposal, at 2-85.

⁶ Item No. 16, Community Survey Sheet.

financial savings,⁷ the Postal Service issued the FD.⁸ Regular and effective postal services will continue to be provided to the Lakeville community through a retail presence in the community upon implementation of the Final Determination. FD at 2.

Each of the issues raised by the Petitioner is addressed in the paragraphs below. not supported.

Effect on Postal Services

The Postal Service considered the effect of reclassifying the Lakeville Post Office on postal services provided to Lakeville customers. The Final Determination is premised upon providing regular and effective postal services to Lakeville customers.

Petitioners state that the repercussions of the Final Determination were not explained or understood. The record is to the contrary. The Postal Service stated that the services at the classified branch will continue to be the same, except for permit mail acceptance and postage meter settings. FD at 2; Item No. 33, Proposal at 2 The Postal Service also explained that there will continue to be a postal facility in Lakeville. FD at 2-85; Item No. 23, Analysis of Questionnaires, at 1; Item No. 33, Proposal at 2-85. Thus, the effect of the Final Determination on the Lakeville Post Office on the availability of postal services to Lakeville residents was considered extensively by the Postal Service. FD at 2-86; Item No. 33, Proposal, at 2-84. Upon the implementation of the Final Determination, services provided at the Post Office, such as the sale of stamps, envelopes, postal cards, and money orders, will continue to be available at the Lakeville

⁷ FD, at 85; Item No. 17, Cost Analysis; Item No. 18, Fact Sheet, at 1; Item No. 29, Proposal Checklist; Item No. 33, Proposal, at 85.

⁸ FD, at 1-85.

Branch. FD at 2-86; Item No. 33, Proposal, at 2-85; Item No. 21, Notice to Customers, at 1.

The Postal Service has considered the impact of converting the Lakeville Post Office to a classified branch upon the provision of postal services to Lakeville customers. While delivery services will emanate from the Salisbury Post Office, located approximately 1.4 miles away, retail and PO Box services will continue to be provided at the Lakeville Branch. FD at 2; Item No. 18, Fact Sheet, at 1. Thus, the Postal Service has concluded that all Lakeville customers will continue to receive regular and effective service after implementation of the FD.

Effect Upon the Lakeville Community

Lakeville is an unincorporated community located in Litchfield County. FD at 84; Item No. 16, Community Fact Sheet, at 1; Item No. 33, Proposal, at 84. The community is administered politically by the town of Salisbury, CT. Police protection is provided by the Connecticut State Police and fire protection is provided by the Lakeville Hose Company. FD at 84; Item No. 16, Community Fact Sheet, at 1; Item No. 33, Proposal, at 84. The community is comprised of affluent retirees, self-employed individuals, entertainers, and those who commute to work in nearby communities and work for local businesses. FD at 84; Item No. 16, Community Fact Sheet, at 1; Item No. 33, Proposal, at 84. The questionnaires completed by Lakeville customers indicate that, in general, the customers who reside in Lakeville may travel elsewhere for other supplies and services, but will continue to use local businesses when the Lakeville Post Office is

converted to a classified branch. See generally Item No. 22, Returned Customer Questionnaires, and Postal Service Response letters 1-569.

The Petitioner's letter of appeal raises the issue of the effect of converting the Lakeville Post Office to a classified branch upon the Lakeville community. This issue also was considered by the Postal Service, as reflected in the Administrative Record. FD, at 2-86; Item No. 33, Proposal, at 2-85. The Postal Service recognizes that a community's identity derives from the interest and vitality of its residents and their use of its name. Communities generally require regular and effective postal services and these will continue to be provided to the Lakeville community. The Postal Service is helping to preserve community identity by continuing the use of the Lakeville city name and ZIP Code in customers' street addresses. FD, at 84; Item No. 33, Proposal, at 84.

Thus, the Postal Service considered the effect of converting the Lakeville Post Office to a classified branch on the community served by the Lakeville Post Office.

Economic Savings

The Petitioners question the economic savings calculation. Postal officials properly considered the economic savings that would result from the proposed conversion. The Postal Service estimates converting the Lakeville Post Office as a branch supervised by the Salisbury Post Office would cost the Postal Service substantially less than maintaining the Lakeville Post Office as a Post Office and would still provide regular and effective service. Item No. 21, Letter to Customer, at 1. The estimated annual savings associated with the Final Determination are \$55,816.00. FD at 85; Item No. 33, Proposal, at 85. Petitioners suggest that the estimated annual

savings are associated with the OIC's salary, and that there will be no savings since the OIC will be moving to another Post Office after implementation of the FD. The Postal Service used the career Postmaster's salary, and not the noncareer OIC's salary, in calculating the estimated savings. FD at 85; Item No. 33, Proposal, at 85. Following the conversion, there will be no supervisory employee replacing the Postmaster at the Lakeville branch, but rather, the Lakeville branch will be under the administrative responsibility of the Salisbury Post Office. FD at 2; Item No. 33, Proposal at 2. Thus, the Postal Service will save the salary and benefits of a career Postmaster position.

Petitioners' Additional Contentions

Petitioners state that the Postal Service failed to provide them with information, which hindered their ability to be fully informed about the nature of this action. First, Petitioners argue that during the community meeting, Postal Service representatives did not answer their questions concerning the number of PO boxes, routes, and revenue of other post office in the areas. There is, however, no requirement that the Postal Service provide information about surrounding post offices, except for the affected facility.

To the extent that Petitioners argue that the Postal Service did not provide information about post office boxes at Lakeville Post Office and Salisbury Post Office at the Community Meeting, the record is to the contrary. Particularly, Petitioners expressed concern about the number of post office boxes available at Salisbury. Item No. 22, Returned Customer Questionnaires, and Postal Service Response Letters, at 180, 188, 190, 286, 512; Item No. 34, Comment Form Exhibit, at 5, 20, 31, 35. The Postal Service noted the number of post office boxes assigned at the Lakeville Post

Office, and the number of post office boxes available at the Salisbury Post Office. FD at 2; Item No. 33, Proposal, at 2. Additionally, the Postal Service explained that post office box customers will not have to change their addresses. FD at 2-86; Item No. 18, Post Office Fact Sheet, at 1; Item No. 21, Cover letter, Questionnaire, and Enclosures, at 1; Item No. 22; Item No. 33, Proposal, at 2-85.

Petitioners allege that they raised questions about delivery routes at the Community Meeting, and that the Postal Service failed to answer their questions. The record reveals, however, that prior to this appeal, customers expressed concern about home-delivery and options for rural routes. Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters, at 104, 140, 270; Item No. 34, Comment Form Exhibit, at 10. The record shows that currently 620 Lakeville customers have rural delivery, and that there will be no changes in this service. Item No. 15, Post Office Fact Sheet, at 2; Item No. 18, Post Office Fact Sheet, at 1. In this same manner, Lakeville Post Office customers asked whether they could receive free rural delivery if the Lakeville Post Office was converted to a classified branch. The Postal Service explained that it would review this option if criteria for rural delivery were met. See generally Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters.

Petitioners argue that the Postal Service did not provide them with revenue information pertinent to the Lakeville Post Office matter. To the contrary, the Postal Service provided information about economic factors in its determination. The administrative record reflects the declining revenues at the Lakeville Post Office, and

the resulting economic savings from the conversion of the facility to a classified branch. FD at 2; Item No. 33, Proposal, at 2. However, the Postal Service made it clear, that expenses were not the sole consideration, but the postmaster vacancy prompted the study of the Lakeville Post Office. Item No. 25, Community Meeting Analysis, at 1.

Petitioners argue that the Postal Service did not provide adequate information about the consequences of this action. Contrary to this assertion, the administrative record reveals that the Postal Service explained during the Community Meeting, as well on several other occasions, the effects of converting the Lakeville Post Office into a classified branch. In particular, the Postal Service stated during the Community Meeting that an administrating office, namely the Salisbury Post Office, would oversee staffing, hours of operation, and other similar administrative tasks. Item No. 25, Community Meeting Analysis, at 2. Additionally, the record shows that the Postal Service stated that there would be a postal facility in Lakeville that provides the same retail services as a post office, except for postal meter setting and acceptance of permit mail. FD at 2, 85; Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters; Item No. 33, Proposal, at 2, 85. Additionally, the Postal Service noted that as a classified branch, the Lakeville Post Office would remain intact and that post office box customers would not have to change their addresses. Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters.

Petitioners allege that the Postal Service did not provide adequate information, and thus, the basis for the Postal Service's determination is unclear. The record shows, however, that the Postal Service provided abundant information which served as the

basis for its determination. The Postal Service sent letters to postal customers informing them about this matter, solicited information from them through questionnaires, and hosted a community meeting to solicit feedback. Item No. 21, Cover Letter, Questionnaire, and Enclosures; Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters; Item No. 23, Analysis of Questionnaires, at 1; Item No. 24, Community Meeting Roster; Item No. 25, Community Meeting Analysis' Item No. 27, Petition and Postal Service Response Letter, at 1. Additionally, the Postal Service posted the Proposal, allowed time for postal customers to submit additional comments, and then posted the Final Determination. FD at 2-86; Item No. 33, Proposal; Item No. 34, Comment Form Exhibit; Item No. 36, Round-date Stamped Proposals and Invitations for Comments from Affected Offices; Item No.40, Analysis of Comments, at 1. Thus, the Postal Service furnished clear and informative details about this matter to the public through multiple means.

Conclusion

As reflected throughout the administrative record, the Postal Service has carefully considered the effect of converting the Lakeville Post Office to a classified branch on the provision of postal services and on the Lakeville community, as well as the economic savings that would result from the proposed conversion, the effect on postal employees, and other factors

After taking all factors into consideration, the Postal Service determined that the advantages outweigh the disadvantages. In addition, the Postal Service concluded that

after the FD is implemented, the Postal Service would continue to provide effective and regular service to Lakeville customers. FD, at 5.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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